

EXHIBIT A

TO

**DECLARATION OF
ANDREW J. VOSS**

**In Support of Defendant's Reply Brief in Support of its
Motion to Transfer Venue and Consolidate Certain
Plaintiffs with First-Filed Action**

**Re: Clark v. Ecolab, Inc.
Court File No. 07-CV-8623 (DLC)**

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Counsel for Defendant
ECOLAB, INC.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CIVIL ACTION NO. 07-8623 (DLC)

MICHAEL CLARK, DAVID STARKMAN,
FRANCO DESIMONE, and JOHN DINISI,
individually and on behalf of all other similarly
situated employees,

Plaintiffs,

v.

ECOLAB, INC.,

Defendant.

**DECLARATION OF NANCY HAYES IN SUPPORT OF DEFENDANT'S REPLY
MEMORANDUM IN SUPPORT OF ITS MOTION
TO TRANSFER VENUE AND CONSOLIDATE CERTAIN PLAINTIFFS
WITH FIRST-FILED ACTION**

I, NANCY HAYES, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746
that the following is true and correct based on personal knowledge:

1. I am currently employed by Ecolab Inc. ("Ecolab"), as a Senior Human Resources Representative. As a Senior Human Resources Representative, I am familiar with Ecolab's corporate structure and the services provided by its separate business units, and have access to personnel information concerning Ecolab employees, including, but not limited to dates of employment, position(s) held, business unit and state in which employees work. I am also

familiar with current litigation in which Ecolab is engaged in this judicial district relating to its employment practices with respect to the Route Manager position, and I have knowledge regarding the job duties and responsibilities of Ecolab's Route Manager position.

2. On June 8, 2004, plaintiffs' counsel, Getman Law Office, filed a civil action against Ecolab in the Southern District of New York, a currently pending case encaptioned *Masson v. Ecolab, Inc.*, 04-cv-4488 ("*Masson*"). The lead plaintiff in *Masson* is former Institutional Route Manager Troy Masson, who brought the action on behalf of "all Route Managers who are not paid time and one-half overtime pay for hours over 40."

3. Pursuant to the court's August 17, 2005, order in *Masson*, plaintiffs' counsel distributed notices to a proposed collective class of Ecolab Route Managers, and over 150 individuals filed consent forms to join the *Masson* action. The *Masson* litigation remains ongoing and the parties are in the discovery process.

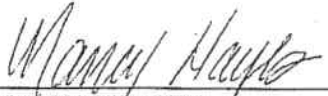
4. In my capacity as Senior Human Resources Representative, I have access to the list of employees furnished to plaintiffs' counsel in the *Masson* litigation for purposes of providing judicial notice of that lawsuit pursuant to the Court's August 17, 2005 order. I also have access to a list of individuals who have signed consent forms to opt-in to the above-captioned litigation.

5. For purposes of this declaration, I have compared the list of current and former Ecolab employees who have filed consent forms to join the above-captioned dispute (as of January 23, 2008), with the list of individuals provided to plaintiffs' counsel in *Masson*.

6. Based on that comparison, I have found that 22 current or former Route Managers have filed consent forms to join this litigation, and of those individuals, 17 of them were included in the list of employees provided to plaintiffs' counsel in *Masson*, to whom notice and an opportunity to join that action was to be provided. The only individuals who have filed consent

forms to join this action, and who worked in New York, are Route Managers encompassed by the *Masson* litigation.

I declare under penalty of perjury that the foregoing is true and correct.



NANCY HAYES

Dated: 1-28-08